

CINDERELLA BLAKNEY,
Plaintiff

**CHARLOTTE-MECKLENBURG
SCHOOLS,
Defendant.**

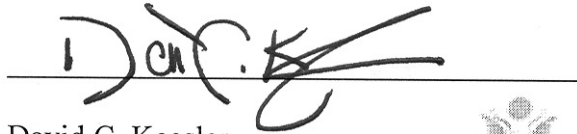
ORDER

By way of background, Ms. Blakney filed a “Complaint” (Document No. 3) against the School System on November 20, 2003. The School System filed the “Defendant’s Motion to Dismiss ...” (“Motion to Dismiss”) (Document No. 8) and a supporting memorandum on January 12, 2004. In an Order signed April 12, 2005 and filed April 13, 2005 (the “April Order”), the Honorable Graham C. Mullen granted in part and denied in part the Motion to Dismiss. In the April Order, Chief Judge Mullen allowed Ms. Blakney thirty days within which to amend her Complaint. Chief Judge Mullen subsequently extended the deadline for Ms. Blakney to amend her Complaint until June 14, 2005. The Court has no record of that document ever being filed. It seems, however, that Ms. Blakney served the School System with an “Amended Complaint,” because the School System filed

the Motion to Strike within the time permitted, including granted extensions, for a pleading responsive to an “Amended Complaint” filed on June 14, 2005. Of course, the Court cannot strike portions of a pleading that – for its purposes – does not exist. For that reason, the Court will deny as moot the Motion to Strike. If Ms. Blakney wishes to file an Amended Complaint with the Court, she should file promptly a motion seeking leave to do so.

IT IS, THEREFORE, ORDERED that the “Motion to Strike Portions of Amended Complaint and, in the Alternative, to Dismiss” (Document No. 33) is **DENIED AS MOOT**.

Signed: November 29, 2005

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

